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W.P.Nos.5618, 5620, 5773, 5824 & 6296 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 13.02.2024

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THE HONOURABLE MR.JUSTICE SENTHILKUMAR RAMAMOORTHY

Writ Petition Nos.5618, 5620, 5773, 5824 & 6296 of 2023

Ayubghan	... Petitioner in W.P.No.5618/2023
Suresh Rathinavel	... Petitioner in W.P.No.5620/2023
Raj Kapoor	... Petitioner in W.P.No.5773/2023
Venkatraman	... Petitioner in W.P.No.5824/2023
Mohammed Gani	... Petitioner in W.P.No.6296/2023

-VS-

1.The Principal Commissioner of Customs,
New Custom House,
Meenambakkam,
Chennai-600 016.

2.Assistant Commissioner of Customs (Airport),
Anna International Airport,
Chennai-600 027.

3.Joint Commissioner,
Airport Adjudication,
3rd floor, New Custom House,
Chennai-600 016.

... Respondents in
all WPs.



W.P.Nos.5618, 5620, 5773, 5824 & 6296 of 2023

Prayer in W.P.No.5618 of 2023: Writ Petition filed under Article 226 of the Constitution of India, to issue a Writ of Mandamus directing the respondents to release the petitioner's goods detained vide:Detention notice No.380/2022 dated 24.03.2022 in terms of Section 110(2) of the Customs Act, 1962, within a time frame.

Prayer in W.P.No.5620 of 2023: Writ Petition filed under Article 226 of the Constitution of India, to issue a Writ of Mandamus directing the respondents to release the petitioner's goods detained vide:Detention notice No.1050/2021 dated 16.12.2021 in terms of Section 110(2) of the Customs Act, 1962, within a time frame.

Prayer in W.P.No.5773 of 2023: Writ Petition filed under Article 226 of the Constitution of India, to issue a Writ of Mandamus directing the respondents to release the petitioner's goods detained vide:Detention notice No.1051/2021-AIU C dated 16.12.2021 in terms of Section 110(2) of the Customs Act, 1962, within a time frame.



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Prayer in W.P.No.5824 of 2023: Writ Petition filed under Article 226 of the Constitution of India, to issue a Writ of Mandamus directing the respondents to release the petitioner's goods detained vide:Detention notice No.61/2022 AIU C dated 13.01.2022 in terms of Section 110(2) of the Customs Act, 1962, within a time frame.

Prayer in W.P.No.6296 of 2023: Writ Petition filed under Article 226 of the Constitution of India, to issue a Writ of Mandamus directing the respondents to release the petitioner's goods detained vide:Detention notice No.804/2021-/AIU D dated 20.10.2021 in terms of Section 110(2) of the Customs Act, 1962, within a time frame.

In all WPs.

For Petitioners : Mr.AR.M.Arunachalam

For Respondents : Mr.B.Arvind Srevatsa,
Junior Panel Counsel

COMMON ORDER

In all these writ petitions, detention orders issued by the respondents under Section 110(2) of the Customs Act, 1962 (the Customs Act) are challenged.



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2. Learned counsel for the petitioner states that confiscation orders were issued by the respondents in the year 2023, but such orders were not served on the petitioner.

3. In response to these contentions, Mr.B.Arvind Srevatsa, learned junior panel counsel, submits that the detention orders contained the name and address of the petitioner and that the confiscation orders were served at the said address.

4. Under Section 128 of the Customs Act, a person aggrieved by an order of confiscation is entitled to present a statutory appeal within a period of two months. It is needless to say that said two month period would run from the date of receipt of the order. In this case, there is no proof for receipt of the respective confiscation order by the petitioner herein.

5. In these circumstances, all these writ petitions are disposed of by directing the jurisdictional Commissioner of Customs (Appeals) to receive and dispose of appeals filed against the confiscation orders by the petitioner



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provided such appeals are presented within a maximum period of 45 days from the date of receipt of a copy of this order. There will be no order as to costs.

13.02.2024

Index : Yes / No

Internet : Yes / No

Neutral Citation: Yes / No

Note: Issue order copy on 19.02.2024

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To

1.The Principal Commissioner of Customs,
New Custom House,
Meenambakkam,
Chennai-600 016.

2.Assistant Commissioner of Customs (Airport),
Anna International Airport,
Chennai-600 027.

3.Joint Commissioner,
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SENTHILKUMAR RAMAMOORTHY,J.

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